

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

EZEKIAL JOHNSON, JR.,  
Plaintiff,

v.

RHODE ISLAND DEPARTMENT OF  
CORRECTIONS, et al.,  
Defendants.

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C.A. No. 22-128JJM

**ORDER**

Now pending before the Court is Plaintiff's application to proceed without prepayment of fees ("IFP motion"), ECF No. 2, which has been referred to me for determination. Based on the Court's screening of the complaint pursuant to 28 U.S.C. § 1915A and review of the motion and Plaintiff's Prisoner Trust Fund Account Statement filed on April 27, 2022, ECF No. 3, the Motion is GRANTED.

The Court notes that because he is a prisoner Plaintiff is still required to pay the statutory filing fee of \$350 for this action. Pursuant to the Prison Litigation Reform Act of 1995 ("the Act"), adopted April 26, 1996, and codified at 28 U.S.C. § 1915(b), a prisoner seeking to file *in forma pauperis* must pay as an initial filing fee the greater of twenty percent (20%) of the average monthly deposits to his account or the average monthly balance for the six months prior to the filing of his Complaint. See 28 U.S.C. § 1915(b)(1). Subsequently, a prisoner must pay monthly twenty percent (20%) of the previous month's balance in his account. See 28 U.S.C. § 1915(b)(2).

The monthly deposits to Plaintiff's account during the six-month period from November 1, 2021, to April 21, 2022, averaged \$94.87. His average monthly balance during the relevant period was \$80.73. Accordingly, Plaintiff is required to pay as an initial filing fee \$18.97

(\$94.87 x 20% = \$18.97). Subsequently, the ACI is directed to forward to the Court each month twenty percent (20%) of the previous month's balance in Plaintiff's account each time the amount in the account exceeds \$10.00 until Plaintiff has paid the entire filing fee of \$350.

Plaintiff shall make his initial filing fee of \$18.97 within thirty (30) days of the date of this Order.

So ordered.

ENTER:

/s/ Patricia A. Sullivan  
PATRICIA A. SULLIVAN  
United States Magistrate Judge  
April 29, 2022